

ORDINANCE NO. 2016-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CHARTERED CITY OF VISTA, CALIFORNIA, AMENDING CHAPTERS 3.56 AND 8.16 OF THE VISTA MUNICIPAL CODE CONCERNING TOBACCO RETAIL LICENSES AND ACCESS TO AND POSSESSION OF SMOKING MATERIALS BY UNDERAGE PERSONS

The City Council of the City of Vista does ordain as follows:

1. Findings. The City Council hereby finds and declares the following:

A. This ordinance is enacted pursuant to the powers vested in the City of Vista pursuant to Article XI, Sections 5 and 7 of the California Constitution.

B. In enacting SB 5 and SB 7, the Legislature has changed the minimum age for the possession and purchase of tobacco products from 18 years to 21 years. The City Council wishes to conform its ordinances concerning tobacco products and licensing to match these new laws.

2. Code Amendment.

A. Chapter 3.56 of the Vista Municipal Code is amended as follows:

1. All uses of the term "18 years" shall be replaced by the term "21 years."
2. All uses of the word "minors" shall be replaced by the phrase "persons under 21 years of age", except for the uses found in paragraphs J through L of section 3.56.010.

B. Chapter 8.16 of the Vista Municipal Code is amended as follows:

1. All uses of the term "18 years" shall be replaced by the term "21 years."
2. The following definition shall be added to section 8.16.005 of the Vista Municipal Code:

"Underage Person' means a person under the age of 21."

3. All uses of the term "minor" or "minors" shall be replaced, respectively, by the terms "underage person" or "underage persons."
4. Section 8.16.010 of the Vista Municipal Code is amended to add a final sentence which shall read as follows:

"This section does not apply in instances where it would be preempted by applicable state law, including without limitation sales made to active duty military personnel who are at least 18 years of age and present an identification card issued by the United States Armed Forces."

3. Effective Date. This ordinance shall be in full force and effect on the 31st day following the date of adoption.

ORDINANCE NO. 2016-13
CITY COUNCIL OF THE CHARTERED CITY OF VISTA
PAGE 2

4. Adoption. INTRODUCED and ADOPTED at a meeting of the City Council held on September 13, 2016, by the following vote:

AYES: Mayor Ritter, Aguilera, Campbell, Rigby, Franklin

NOES: None

ABSTAIN: None

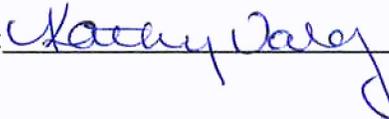


JUDY RITTER, MAYOR

APPROVED AS TO FORM:
DAROLD PIEPER, CITY ATTORNEY

ATTEST:
KATHY VALDEZ, CITY CLERK

By: 

By: 

APPROVED
Jonathan B. Stone
1527 081516

CERTIFICATION

I, Kathy Valdez, City Clerk of the City of Vista, California, certify that I caused the foregoing Ordinance No. 2016-13 to be posted on September 14, 2016, at the following locations within the City of Vista: 1) the Reference Desk of the Vista Branch of the San Diego County Public Library, 700 Eucalyptus Avenue; 2) the Lobby Counter at the Gloria McClellan Adult Activity & Resource Center, 1400 Vale Terrace Drive; and 3) the City Clerk's Office, 200 Civic Center Drive.



Kathy Valdez, City Clerk